

**IN THE UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA**

THE CITY OF HUNTINGTON,  Plaintiff,  v.  AMERISOURCEBERGEN DRUG CORPORATION, et al.,  Defendants.	Civil Action No. 3:17-01362  Hon. David A. Faber
CABELL COUNTY COMMISSION,  Plaintiff,  v.  AMERISOURCEBERGEN DRUG CORPORATION, et al.,  Defendants.	Civil Action No. 3:17-01665  Hon. David A. Faber

**NOTICE OF ERROR IN PLAINTIFFS' THIRD JOINT DISCOVERY STATUS  
REPORT REGARDING DATE THAT THE UNITED STATES DRUG  
ENFORCEMENT ADMINISTRATION (DEA) MUST RESPOND TO PLAINTIFFS'  
MOTION TO COMPEL DISCOVERY RESPONSES FROM DEA**

Plaintiffs have stated in their Third Joint Discovery Status Report that they filed a motion to compel discovery responses from the DEA on April 30, 2020, and that the DEA's response to that motion is due on May 11, 2020. *See* ECF No. 390 at p. 3. This statement is incorrect. As shown by the Court's ECF docketing record, Plaintiffs filed their motion to compel discovery from the DEA on May 1, 2020, not April 30, 2020. *See* ECF No. 385. The Court stated in its Order Regarding Third-Party Discovery Disputes that "A written response in opposition to the motion shall be filed **no later than 7 business days** after submission of the motion..." ECF No. 365 at p. 2 (emphasis in original). Based on the Court's

order and the actual date that plaintiffs filed their motion to compel discovery from the DEA, the correct due date for the DEA to file its response is May 12, 2020, not May 11, 2020, as stated in Plaintiffs' Third Joint Discovery Status Report.

Respectfully submitted,

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**United States Attorney**  
**Attorney for the United States**  
**Acting Under Authority Conferred by 28 U.S.C. § 515**

By: **/s/Fred B. Westfall, Jr.**  
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**CERTIFICATE OF SERVICE**

I, Fred B. Westfall, Jr., Assistant United States Attorney, hereby certify that that on May 6, 2020, the foregoing **NOTICE OF ERROR IN PLAINTIFFS' THIRD JOINT DISCOVERY STATUS REPORT REGARDING DATE THAT THE UNITED STATES DRUG ENFORCEMENT ADMINISTRATION (DEA) MUST RESPOND TO PLAINTIFFS' MOTION TO COMPEL DISCOVERY RESPONSES FROM DEA** was served using the Court's CM/ECF system, which will send a copy thereof by email to all counsel of record and will also send notification by email of such filing to all counsel of record.

**/s/Fred B. Westfall, Jr.**

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